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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,239	10/24/2005	Klaus Ludwig Christmann	W1.2112 PCT-US	3127

7590 06/09/2009
Douglas R Hanscom
Jones Tullar & Cooper
P O Box 2266
Eads Stations
Arlington, VA 22202

EXAMINER

BANH, DAVID H

ART UNIT	PAPER NUMBER
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2854

MAIL DATE	DELIVERY MODE
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06/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/554,239	Applicant(s) CHRISTMANN ET AL.	
	Examiner DAVID BANH	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48,51-56 and 60-92 is/are pending in the application.
- 4a) Of the above claim(s) 51-56,60,61,65-88,90 and 91 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48,62-64,89 and 92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/17/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 48, 62, 89 and 92 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 48 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michalik et al. (US Patent 5,503,379) in view of Koppelkamm et al. (US PG Pub 2001/0037737) and Priim (US Patent 5,049,120).

For claim 48: Michalik et al. teaches a web-fed rotary press (column 3, lines 20-30, the invention of Michalik et al. is directed to a folding device for a printing press, whose details are not disclosed as web fed rotary printing presses are known and conventional) comprising a folding apparatus (see Fig. 1 generally), in the printing press and adapted to fold the web printed by said printing unit (column 3, lines 20-30), a transport cylinder **9** in said folding apparatus, said transport cylinder **9** having a cylinder circumference at least seven transport sections (column 3, lines 42-45), each section being adapted to receive one web section printed by the printing unit, said at least seven transport cylinder sections being arranged one after another in the circumferential

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direction of the transport cylinder circumference (see Fig. 3, the web divisions are clearly seen as partitions of the circumferential direction of a cylinder) and being adapted to transport each web section in the folding apparatus (see Fig. 1, the web clearly moves along the transport cylinder), a plurality of folding blades on said cylinder being located in one of said at least seven transport sections (column 3, 46-50, it is possible to dispose folding blades on each cylinder including transport cylinder **9**), a folding jaw cylinder **11** in said folding apparatus cooperating with said transport cylinder, having at least seven sections (column 3, lines 46-48) adapted to cooperate with one of said at least seven transport cylinder sections (see Fig. 1, as the two cylinders are adjacent and web is passed from one to the other, they clearly cooperate), a folding jaw assembly cooperating with the plurality of folding blades (column 3, lines 46-50), a cutting cylinder **8** is direct contact with the transport cylinder **9** circumference (see Fig. 1) and a common rotary drive motor for driving the transport cylinder **9** and folding jaw cylinder **11** (column 3, lines 49-51, one drive element, additionally, column 5, lines 50-55, specific drives for cylinder can be changed without departing from the spirit of the invention) being mechanically independent from drives for said printing unit (the printing unit is taught separately and the drives are taught for the folding apparatus).

While Michalik et al. does not specifically teach a folding jaw assembly in each folding jaw cylinder section, it teaches the disposal of folding jaw assemblies on the folding jaw cylinder. It would have been obvious to one of ordinary skill in the art at the time the invention to duplicate the folding jaw assemblies to place one in each of the sections to secure webs in each of the sections. See MPEP Section 2144.04 VI Part B.

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Michalik et al. does not teach that the printing unit is adapted to print at least six axially arranged side-by-side pages on a web. However, Koppelkamm et al. teaches a printing unit in a web-fed rotary press adapted to print at least six axially arranged side-by-side pages on a web (paragraph 5, offset printing press, paragraph 69, capability of printing six side-by-side pages). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions by using the printing press of Koppelkamm et al. capable of printing six pages on a web together with the folding device of Michalik et al. to produce printed and folded pages, as Michalik et al. discloses a folder usable generically with any web-fed rotary printing press.

The combination of Michalik et al. and Koppelkamm et al. does not teach that the printing unit comprises a cutting cylinder having at least four cutters working with the transport cylinder and being arranged one behind the other on the cutting cylinder in the circumferential direction of the transport cylinder. However, Priim teaches a cutting cylinder **1** with at least four cutters **2** arranged in the circumferential direction of the transport cylinder (see Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a cutting cylinder with four cutters as taught by Priim instead of a cutting cylinder with two cutters as taught by Michalik et al. for the purpose of being able to perform more cuts per rotation.

For claim 89: The combination of Michalik et al., Koppelkamm et al. and Priim teaches the web-fed rotary press of claim 48 and Priim teaches further that the cutters are arranged spaced opposite alternatively at 90 degrees (See Fig. 1).

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4. Claims 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michalik et al., Koppelkamm et al. (US PG Pub 2001/0037737) and Priim (US Patent 5,049,120) as applied to claim 48 above, and further in view of Stein et al. (US Patent 5,676,056)

For claims 62 and 63: The combination of Michalik et al., Koppelkamm et al. and Priim teaches all limitations of the claimed invention except where the drive motor can be disposed. However, Stein et al. teaches that drive motors can be disposed on any cylinder (column 3, lines 45-55). Thus, it would be obvious to one of ordinary skill in the art at the time the invention made to position the drive motor on either the cutting cylinder or the transport cylinder to drive the plurality of cylinders together. Additionally, MPEP Section 2144.04 Part VI Section C cites case law that holds that the mere rearrangement of parts is held as an obvious matter of design choice where the operation of the device is not modified. Here, the position of the motor does not modify the operation of the folding unit and further one of ordinary skill in the art at the time the invention was made would be motivated to position the motor at the cutting cylinder or at the transport cylinder to reduce the overall footprint of the apparatus with the motor.

For claim 64: The combination of Michalik et al. and Koppelkamm et al. and Priim teaches all limitations of the claimed invention except a geared drive between the drive motor and the cylinders. However, Stein et al. teaches the use of geared drives to connect the cylinders of a folding apparatus (column 3, lines 45-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use geared drives to connect the drive motor to the three cylinders taught by the

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combination of Michalik et al. and Koppelkamm et al. and Priim for the purpose of allowing a single drive motor to efficiently drive all three cylinders.

5. Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michalik et al. (US Patent 5,503,379), Koppelkamm et al. (US PG Pub 2001/0037737) and Priim (US Patent 5,049,120) as applied to claim 48 above, and further in view of Inoue (US Patent 4,158,417).

The combination of Michalik et al. and Koppelkamm et al. and Priim teaches all limitations of the claimed invention except that the cutting cylinder acts with the transport cylinder as a thrust element. However, Inoue teaches the cutting cylinder as a thrust element. It would have been obvious to one of ordinary skill in the art to use the cutting cylinder of Michalik et al. as a thrust element against the transport cylinder so that the blades on the cutting cylinder forcibly sever the web and partition it.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID BANH whose telephone number is (571)270-3851. The examiner can normally be reached on M-Th 9:30AM-8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571)272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DHB

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854